

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
SEP 17 2004

U.S. DISTRICT COURT

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	CRIMINAL NO. 03-30008-MAP
)	
)	
JOSE MERCED, et al.)	
)	
Defendants.)	

THE GOVERNMENT'S SEVENTH STATUS
REPORT PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby submits the following status report pursuant to Local Rule 116.5(A) and Magistrate Judge Neiman's written order issued on May 19, 2004.

1. The government has received copies of the majority of the transcripts prepared by the defense on September 14 and 15, 2004.

2. One defendant, Cirilo Delgado, has filed discovery motions arising out of the transcribed tapes. These motions were received on September 15, 2004 and, pursuant to the Court's May 19th order, the government is required to respond by September 30, 2004. The government has not yet fully reviewed these motions to determine whether they "arise out of the transcribed tapes" but will do so by September 30, 2004.

3. Charles Winston received an extension until September 27, 2004, to file his response to the government's motion for joinder.

4. Counsel for Pedro Delgado and Abraham Colon have been excused from attending the status conference.

5. Counsel for Francisco Flores and Tal Hosey and the government have entered into plea negotiations which are not yet final.

6. The government has prepared additional discovery which consists of transcripts of plea hearings and Carlos Morales' plea and cooperation agreement. This discovery will be provided in hand on September 20, 2004.

7. The government maintains that the time from arraignment, through the present is excludable from the Speedy Trial Act pursuant to 18 U.S.C. Section 3161(h)(8)(A) and Local Rule 112.2(A)(1), (2), and (3). Accordingly, the government requests that the Court issue an order indicating that the time from arraignment to the present is excludable pursuant to Local Rule 112.2(B).

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

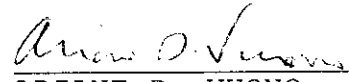


Ariane D. Vuono
Thomas J. O'connor
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

Springfield, Massachusetts
September 17, 2004

I, Ariane D. Vuono, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing on the defendants by providing a copy, via facsimile, to counsel of record.



ARIANE D. VUONO
Assistant U.S. Attorney